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February 26, 2007

MEMORANDUM

TO: Legislative Oversight Committee
Local CFAC Chairs
NC Council of Community Programs
County Managers
State Facility Directors
LME Board Chairs
Advocacy Organizations
MH/DD/SAS Professional and Stakeholder Organizations
NC Association of County DSS Directors

Commission for MH/DD/SAS
State CFAC
NC Assoc. of County Commissioners
County Board Chairs
LME Directors
DHHS Division Directors
Provider Organizations

FROM: Allen Dobson, MD *L. Allen Dobson MD*
Mike Moseley *mm*

SUBJECT: Implementation Update 24: Revised CAP-MR/DD Family/Guardian Service Provision Policy

Attached please find a revised policy regarding family members and guardians as providers of service under the CAP-MR/DD Waiver. This revised policy will be incorporated into a Technical Amendment which will be sent to the federal Centers for Medicare and Medicaid Services (CMS) for review and approval. This revised policy replaces the policy initially announced through Implementation Update # 19. That policy has not been and **will not be** implemented. We will announce an implementation date for this revised policy following discussions with CMS. We will also post the Technical Amendment for public review and comment when it is completed.

We regret the very serious concerns that Implementation Update # 19 caused consumers and families participating in the CAP-MR/DD Waiver. We believe this new policy, which has been greatly informed and improved as a result of input from families, addresses the problems we were seeking to fix through the previous policy but does so in a manner that is much more consumer and family friendly. As you can see in the attached policy, the restriction on guardians of the person providing paid waiver services has been removed. The number of hours of service that a family member may be paid to deliver has been increased to an average of 50 hours per week. We have reviewed the data and found that 90% of waiver recipients receive 50 or fewer hours of Home and Community Support and Personal Care services in any given week, so we believe the 50 hour limit will address the needs of the vast majority of families. Finally, the hourly limit will be measured on a monthly basis to accommodate circumstances where more hours may be necessary in any given week due to unforeseen circumstances.

If you have any questions concerning this new policy, please email contactdmh@ncmail.net.

cc: Secretary Carmen Hooker Odom
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